

19.80 Enforcement

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19.80.010 Purpose.

The purpose of this chapter is to promote compliance with this title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in BMC 8.45, when violations of this title occur. [Ord. 545 § 1, 2010, Ord. 28 § 1(614), 1993]

19.80.020 Authority and Application.

The *director* is authorized to enforce the provisions of this code and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of BMC 8.45. [Ord. 545 § 1, 2010, Ord. 28 § 1(615), 1993]

19.80.030 Violations Defined.

No building permit or land use approval in conflict with the provisions of this title shall be issued. *Structures* or *uses* which do not conform to this title, except legal nonconformances specified in BMC 19.55 and approved variances, are violations subject to the enforcement, penalty and abatement provisions of BMC 8.45, including but not limited to:

1. Establishing a *use* not permitted in the zone in which it is located;
2. Constructing, expanding or placing a *structure* in violation of *setback*, *height* and other dimensional standards in this title;
3. Establishing a permitted *use* without complying with applicable development standards set forth in other titles, ordinances, rules or other laws, including but not limited to, road construction, surface water management, the Fire Code, and rules of the department of public health;
4. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
5. Failing to secure required land use or permit approval prior to establishing a permitted *use*; and
6. Failing to maintain *site improvements*, such as *landscaping*, parking or drainage control facilities as required by this code or other city of Burien ordinances. [Ord. 545 § 1, 2010, Ord. 28 § 1(616), 1993]

19.80.040 Permit Suspension, Revocation or Modification.

1. Permit suspension, revocation or modification shall be carried out through the procedures set forth by the city council of the city of Burien. Any permit, variance, or other land use approval issued by the city of Burien pursuant to this title may be suspended, revoked or modified on one or more of the following grounds:

- A. The approval was obtained by fraud;
 - B. The approval was based on inadequate or inaccurate information;
 - C. The approval, when given, conflicted with existing laws or regulations applicable thereto;
 - D. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
 - E. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;
 - F. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
 - G. The holder of the permit or approval interferes with the director or any authorized representative in the performance of his or her duties; or
 - H. The holder of the permit or approval fails to comply with any notice and order issued by the city of Burien.
2. Authority to revoke or modify a permit or land use approval shall be exercised by the issuer, as follows:
- A. The council may, after a recommendation from the hearing examiner, revoke or modify any Type 3 land use approval or preliminary subdivision;
 - B. The hearing examiner may revoke or modify any Type 2 land use approval, provided that if it was reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and
 - C. The *director* may revoke or modify any permit or other land use approval issued by the *director*. [Ord. 545 § 1, 2010, Ord. 61, 1993; Ord. 28 § 1(617), 1993]

19.80.050 Initiation of Revocation or Modification Proceedings.

- 1. The city council of the city of Burien may suspend any permit, variance or land use approval issued by any city of Burien issuing agency and processed by the department of community development pending its revocation or modification, or pending a public hearing on its revocation or modification;
- 2. The issuing agency may initiate proceedings to revoke or modify any permit or land use approval it has issued; and
- 3. Persons who are aggrieved may petition the issuing agency to initiate revocation or modification proceedings, and may petition the *director* to suspend a permit, variance or land use approval pending a public hearing on its revocation or modification. [Ord. 545 § 1, 2010, Ord. 28 § 1(618), 1993]